

REMARKS

Claims 48-60 and 64-68 are pending in the Application. Claims 48, 56, 60, and 66 have been amended. Initially, Applicants' gratefully acknowledge that claims 48-55 and 66-68 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. § 112, second paragraph. In this regard, Applicants' have corrected these issues in independent claims 48 and 66.

Independent claim 56 has been amended to include similar claimed aspects found in allowable claims 48 and 66. In particular, claim 56 has been amended to even more particularly recite the claimed feature of the cannula body having a lumen therein that terminates in a longitudinal opening at the distal end. Further, the cannula body comprises one or more transverse openings. A plunger is slidably disposed within the lumen and has an attached pliable sealing member having a diameter, in an uncompressed state, that is larger than the diameter of the lumen. Further, claim 56 has been amended to include the aspect of advancing the plunger within the lumen so as to place the pliable sealing member distally with respect to the longitudinal opening. With the pliable sealing member in this position, implant material is perfused out the longitudinal opening. According to amended claim 56, the plunger is retracted within the lumen so as to place the pliable sealing member proximally with respect to the longitudinal opening. Implant material can then be perfused out of the one or more transverse openings into the tissue. Finally, the proximal end is separated from the distal end of the cannula body at one of the plurality of notches.

In light of the amendments made to independent claim 56, dependent claim 60 has been amended.

§ 112, Second Paragraph Rejections

Claims 48-55 and 66-68 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. In particular, the Office Action points out that in both claims 48 and 66 the word “of” appears to have been mistakenly omitted between the word “diameter” and “the.” Applicants have corrected this clerical error by amending claims 48 and 66 to include “of” after “diameter.” Claims 48 and 66 were also rejected because, according to the Office Action, there is insufficient antecedent basis for “the lumen of the cannula body” recited in this aspect of the claims. Applicants note, however, that prior to the recitation of “the lumen of the cannula body” both claims 48 and 66 recite “a lumen of the cannula body.” Because of this, the claimed aspect of “the lumen of the cannula body” refers to the previously introduced lumen of the cannula body found in line 4 of claim 48 and line 4 of claim 66.

Applicants submit that the claims are now in full compliance with § 112, second paragraph.

§ 102(e) & 103(a) Rejections

Claims 56-58, 60, 64, and 65 are rejected under 35 U.S.C. § 102(e) as being anticipated by Margulies et al. Claim 59 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Margulies et al. in view of Reiley et al. In response to this rejection, as stated above, independent claim 56 has been amended to include similar claimed aspects found in (allowable) claims 48 and 66. These claimed aspects are neither disclosed nor suggested by Margulies et al. or Reiley et al.

In particular, claim 56 has been amended to recite the aspect of the longitudinal opening located at a distal end of the cannula body in addition to one or more transverse openings located in the cannula body. Claim 56 now includes the feature of plunger slidably disposed within the lumen and comprising an attached pliable sealing member having a diameter, in an uncompressed state, that is larger than the diameter of the lumen of the cannula body. When the plunger is advanced within the lumen so as to place the pliable sealing member distally with respect to the longitudinal opening, implant material can be perfused out the longitudinal opening into the tissue. The plunger can then be retracted within the lumen so as to place the pliable sealing member proximally with respect to the longitudinal opening whereby implant material can be perfused out the one or more transverse openings into the tissue. The proximal end of the cannula body may be separated from the distal end of the cannula body at one of a plurality of notches located in the cannula body. These features are neither disclosed nor suggested in the Margulies et al. and Reiley et al. prior art references.

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The amendments and remarks presented herein are believed to fully address the outstanding issues set forth in the Office Action and place the claims in condition for

allowance. If the Examiner has any questions or comments regarding this amendment, the Examiner is respectfully requested to contact the undersigned at (949) 724-1849 (x. 104).

Respectfully submitted,

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